

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

<b>DARRELL J. MAR, SR., Individually And</b>	)	
<b>DARRELL J. MAR, SR. as Parent and Natural</b>	)	
<b>Guardian of DARRELL J. MAR, JR.,</b>	)	<b>2:05-cv-19</b>
<b>Plaintiff,</b>	)	
<b>v.</b>	)	
	)	
<b>DEPUTY CHIEF MARK HOLTZMAN,</b>	)	
<b>Defendant.</b>	)	
	)	

**ORDER OF COURT**

AND NOW, this 14<sup>th</sup> day of February, 2008, upon consideration of counsel for Plaintiffs' proposed SETTLEMENT AND SCHEDULE OF DISTRIBUTION (Document No. 112), and recognizing that said filing is, in essence, a petition for the compromise, settlement, discontinuance and distribution of a claim by the natural guardian of a minor pursuant to L.R. 17.1, and it appearing that a number of the required statements and/or affidavits are not attached; however, the Court is familiar with the medical issues and damages alleged by Plaintiff insofar as the case proceeded through summary judgment, pretrial narrative filings and to the final stage before trial was to commence, hence the Court is familiar with the claims of Plaintiff, individually and on behalf of his son, and the defenses to same, based upon filings of record;

NOW THEREFORE, considering the foregoing, all of the record filings in this action and information provided to the Court, the proposed compromise and settlement of this action for Fifty Thousand (\$50,000.00) Dollars is APPROVED and Darrell J. Mar, Sr., individually and as parent and natural guardian of Darrell J. Mar, Jr., is authorized to execute a General Release for any and all claims asserted in this action against the remaining Defendant, Deputy Chief Mark Holtzman, and all other Defendants heretofore dismissed in consideration for the payment by

Defendant of the sum of Fifty Thousand (\$50,000.00) Dollars, said payment being subject, however, to the following conditions and schedule of distribution:

SCHEDULE OF DISTRIBUTION

TOTAL COMPROMISE AND SETTLEMENT AMOUNT		\$ 50,000.00
A)	The amount of Seven Thousand Five Hundred (\$7,500.00) Dollars to be deposited in an interest bearing money market or savings account in a federally insured bank or savings and loan institution in the name of Darrell J. Mar, Sr., in trust for Darrell J. Mar, Jr., a minor, and to be marked "not to be withdrawn until majority (age 18) has been attained or further order of court."	\$ 7,500.00
B)	The amount of Twenty-Three Thousand Three Hundred Ninety-three and 30/100 (\$23,393.30) Dollars to be paid to Darrell J. Mar, Sr., to be utilized for the joint benefit and housing, health, welfare and education of himself and his son, Darrell J. Mar, Jr., insofar as he has expressed the desire and need to relocate for better housing and school opportunities for his son.	23,393.30
C)	The amount of Sixteen Thousand Five Hundred (\$16,500.00) Dollars as attorney fees to Leonard E. Sweeney, Esquire, and The Law Firm, pursuant to the Power of Attorney, as adjusted under the circumstances of the total compromise and settlement recovery.	16,500.00

- D) The amount of Two Thousand Six Hundred Six and 70/100 (\$2,606.70) Dollars as reimbursement for out-of-pocket costs and expenses advanced by Leonard E. Sweeney, Esquire, and The Law Firm, to-wit:

Expert Fees	\$ 1,500.00	
Research	475.00	
Mileage & Misc.	367.34	
Parking	134.50	
Postage	65.86	
Photocopy	<u>64.00</u>	
Total Costs	\$ 2,606.70	2,606.70
		<u>\$ 50,000.00</u>

Judgment in this action is hereby entered in favor of the Plaintiff, Darrell J. Mar, Sr., individually and as parent and natural guardian of Darrell J. Mar, Jr., and against the Defendant in the amount of Fifty Thousand (\$50,000.00) Dollars.

The Clerk shall docket this case closed.

BY THE COURT:

s/ Terrence F. McVerry  
United States District Court Judge

cc: Leonard E. Sweeney, Esquire  
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